

**FILED**

UNITED STATES DISTRICT COURT  
 Western District of Texas  
 AUSTIN DIVISION

OCT 17 2012

CLERK, U.S. DISTRICT COURT  
 WESTERN DISTRICT OF TEXAS  
 BY JP DEPUTY CLERK

UNITED STATES OF AMERICA

v.

Case Number A-12-CR-270(1)-SS  
 USM Number None

SWE ENTERPRISES, INC.  
 d.b.a. ROCKHARD FORMULATIONS

Defendant.

**JUDGMENT IN A CRIMINAL CASE**  
**(For Offenses Committed On or After November 1, 1987)**

The defendant, SWE ENTERPRISES, INC., was represented by Samuel E. Bassett.

The defendant pled guilty to Count 1 of the Information on July 18, 2012. Accordingly, the defendant is adjudged guilty of such Count, involving the following offense:

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count (s)</u>
21 USC 331(d) & 21 USC 333(a)(2)	Introduction and Delivery of Unapproved New Drugs and Misbranded Drugs into Interstate Commerce	May, 2010	1

As pronounced on October 12, 2012, the defendant is sentenced as provided in pages 2 through 2 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid. If ordered to pay restitution, the defendant shall notify the Court and United States Attorney of any material change in the defendant's economic circumstances.

Signed this the 14<sup>th</sup> day of October, 2012.

*Sam Sparks*  
 SAM SPARKS  
 United States District Judge

✓

Defendant: SWE ENTERPRISES, INC.  
Case Number: A-12-CR-270(1)-SS

**CRIMINAL MONETARY PENALTIES/ SCHEDULE**

The defendant shall pay the following total criminal monetary penalties in accordance with the schedule of payments set forth. Unless the Court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. Criminal Monetary Penalties, except those payments made through Federal Bureau of Prisons' Inmate Financial Responsibility Program shall be paid through the Clerk, United States District Court, 200 W. 8th Street, Room 130 Austin, Texas 78701.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTAL:	\$400.00	\$10,000.00	\$0

**Special Assessment**

It is ordered that the defendant shall pay to the United States a special assessment of \$400.00. Payment of this sum shall begin immediately.

**Fine**

The defendant shall pay a fine of \$10,000.00. The Court determines that the defendant does not have the ability to pay interest and therefore waives the interest requirement in this case.

If the defendant is not now able to pay this indebtedness, the defendant shall cooperate fully with the office of the United States Attorney, and/or the United States Probation Office to make payment in full as soon as possible. Any unpaid balance may be paid on a schedule of monthly installments to be approved by the Court and becomes a condition of supervision.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column above. However, pursuant to 18 U.S.C. § 3664(i), all non-federal victims must be paid before the United States is paid.

If the fine is not paid, the court may sentence the defendant to any sentence which might have been originally imposed. See 18 U.S.C. §3614.

The defendant shall pay interest on any fine or restitution of more than \$2,500.00, unless the fine or restitution is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. §3612(f). All payment options may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. §3612(g).

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) community restitution, (6) fine interest, (7) penalties, and (8) costs, including cost of prosecution and court costs.

Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.